

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: J. R. MCGOWAN, JR.,
DEBTOR(S)

CHAPTER 13 BANKRUPTCY
CASE NO. 10-50531-KMS

J. C. BELL, TRUSTEE

**TRUSTEE'S MOTION TO RECONSIDER OR
AMEND/MODIFY THE SEPTEMBER 13, 2011 ORDER**

COMES NOW, the Chapter 13 Trustee, J. C. Bell, by and through his attorney, and files this Motion to Reconsider or Amend/Modify the September 13, 2011 Order Granting Motion for Authority to Liquidate Structured Settlement (Docket No. 38), and says:

1. That on September 28, 2011, the Trustee received the proceeds from the liquidation of the structured settlement in the amount of \$55,880.00.

2. That said amount is not sufficient to pay the Debtor's mortgage in full, the balance of the secured vehicle, the balance of the attorney fees, Trustee compensation and fees, and the unsecured creditors.

3. That if the Trustee disbursed the subject funds in accord with the subject Order, there would be an additional \$10,000.00 (approximately) needed to complete the Debtor's Plan.

4. That the Debtor has not made a Plan payment since May, 2011, and the Trustee believes it would be in the Debtor's best interests to not be dismissed and that he receive a Discharge.

5. That the Trustee requests the Court to reconsider or amend/modify the subject Order, with the Debtor being required to attend the hearing, and consider using the subject funds, instead of paying off the mortgage completely, to pay the pre-petition

arrearage on the mortgage, the future mortgage payments through a certain date (so that the Debtor can resume his mortgage payments direct to the Creditor as they come due), the secured vehicle in full, the attorney fees in full, the unsecured creditors in full (to pay off a case that has not gone at least 36 months, 100% must be paid to unsecured creditors), and Trustee compensation and expenses in full, with the surplus being refunded to the Debtor and the Debtor receiving a Discharge.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays relief as set out herein.

Further, the Trustee prays for such other relief, either general or specific, as to which this Court may deem meet and proper.

Respectfully submitted,

J. C. BELL, TRUSTEE

BY: /s/Samuel J. Duncan
Samuel J. Duncan,
His Attorney

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have on this day forwarded a true and correct copy of the foregoing Response, via the Court's ecf filing system, to Edwin Tullos, PO Box 505, Raleigh, MS 39153; and the US Trustee, 501 East Court Street, Suite 6-430, Jackson, Mississippi 39201; and JR McGowan, 257 Garner Road, Mount Olive, MS 39119 (by US Mail).

So certified on this the 28th day of September, 2011.

/s/Samuel J. Duncan
Samuel J. Duncan